

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAD ANDREW THORNE,

Defendant.

CR 22–38–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 36.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Thorne is charged with one count of conspiracy to commit wire fraud and bank fraud, in violation of 18 U.S.C. § 1349 (Count I), eleven counts of wire fraud, in violation of 18 U.S.C. §§ 1343, 2 (Counts II–XII), five counts of bank fraud, in violation of 18 U.S.C. §§ 1344, 2 (Counts XIII–XVII), and eight counts of

aggravated identity theft, in violation of 18 U.S.C. §§ 1028A(a)(1), 2 (Counts XVIII–XXV), as set forth in the Indictment. (Doc. 12.) Judge DeSoto recommends that this Court accept Thorne’s guilty plea as to Count XII and Count XX after Thorne appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto’s Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto’s Findings and Recommendation (Doc. 36) is ADOPTED in full.

IT IS FURTHER ORDERED that Thorne’s motion to change plea (Doc. 27) is GRANTED.

IT IS FURTHER ORDERED that Thorne is adjudged guilty as charged in Count XII and Count XX of the Indictment.

DATED this 26th day of October, 2022.



Dana L. Christensen, District Judge
United States District Court